

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

July 21, 2009

3:30 P.M. SCHEDULED SESSION

3:40 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Myron Lowery.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Councilman Harold Collins and he was the Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

53. RESOLUTION DECLARING JULY 20-24, 2009 AS "NATIONAL BLACK PROSECUTORS ASSOCIATION WEEK" IN MEMPHIS.

MOTION: Collins
SECOND: Ford

APPROVED, unanimous voice vote

MINUTES

(Councilwoman Halbert made a motion, without objection, to pull Item#20- Iris Motel Hotel Waiver from the minutes and send it back to Committee on August 18, 2009).
(Councilwoman Ware made a motion to vote separately on Item #30- Special Election for the Office of Mayor. -Special Item #1)

(Councilman Collins made a motion to hold Item #30 –Special Election for the Office of Mayor, until July 30, 2009 @5:01 P.M. –Special Item #2)

(Special Item #2 – Collins’ motion)

MOTION: Collins
SECOND: Ware
AYES: Collins, Conrad, Ford, Fullilove, Halbert and Ware
NAYS: Boyd, Brown, Flinn, Hedgepeth, Morrison, Strickland and Chairman Lowery

Special Item #2 – FAILED

(Special Item # 1 – Ware’s motion)

MOTION: Ware
SECOND: Collins
AYES: Boyd, Conrad, Flinn, Hedgepeth, Morrison, Strickland and Chairman Lowery
NAYS: Brown, Collins, Ford, Fullilove, Halbert and Ware

Special Item #1 - PASSED

Approval of the Minutes of the regular meeting of July 7, 2009 with the following motion:

MOTION: Collins
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED, as amended

Chairman Lowery recognized the following people who spoke from the audience:

Stephanie Fitzgerald, 126 Flicker St., Memphis, TN. 38104

Patrice Robinson, 4881 Whitworth Rd., Memphis, TN. 38116

Martavius Jones, 1398 Worthington Circle, Memphis, TN. 38114

35. **RESOLUTION APPROVING THE MEMPHIS CITY SCHOOLS’ BUDGET FOR 2009-2010.**
38. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 7/7)**

Ordinance No. 5319

Items #35 & #38 were held until August 4, 2009)

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF SHADY LANE IN HONOR OF MRS. GEORGIA A. MOSS-DAVIS (1910-1988).**

MOTION: Fullilove

SECOND: Ware

APPROVED, unanimous voice vote

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF ELZEY AVENUE AND TANGLEWOOD STREET, CONTAINING 0.904 ACRE IN THE LOCAL INDUSTRIAL (I-L) DISTRICT.**

Case No. PD 09-303

Applicant: The Cowles Company (Bernard Cowles)
SR Consulting, LLC – Cindy Reaves – Representative

Request: 10 residential lots (typical lot size 2,058 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Strickland

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery
Brown did not cast a vote

APPROVED, as amended

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF LAMAR; +/-750 FEET SOUTH OF DAVIDSON ROAD, CONTAINING 35.41 ACRES IN AN AREA CURRENTLY GOVERNED BY THE APPROVED CONDITIONS FOR P.D. 04-359CC.**

Case No. PD 09-306

Applicant: William B. and Paula F. Crow
SR Consulting, LLC – Cindy Reaves – Representative

Request: Tractor trailer storage and parking accommodation

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Morrison

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,

Morrison, Strickland, Ware and Chairman Lowery

APPROVED, as amended

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF MONROE AVENUE; +/-120.8 FEET EAST OF BELVEDERE BOULEVARD, CONTAINING 0.269 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-MH) DISTRICT.**

Case No. PD 09-307

Applicant: Community Capital LLC (Archie Willis, III)
Paul Young – Representative

Request: Single tenant office building

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison,
Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED, as amended

5. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF NELSON AVENUE; ±550 FEET WEST OF TANGLEWOOD STREET, CONTAINING 0.31 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 09-308

Applicant: Natural Learning School, Dalila Early, Director

Request: Group Daycare Home in two existing houses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Morrison, Strickland, Ware and Chairman Lowery

APPROVED, as amended

6. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF BOLEN HUSE ROAD; +/-840 FEET WEST OF COLEMAN ROAD, CONTAINING 122.50 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. SUP 09-206cc

Applicant: Tower Ventures V, LLC
Tower Ventures V, LLC – Representative

Request: Allow a cell tower one-hundred ninety-five (195) feet in height with the ability to support six (6) sets of antennae arrays

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Hedgepeth

AYES: Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery
Flinn recused

APPROVED, as amended

7. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF W. SHELBY DRIVE AND JONETTA STREET, CONTAINING 1.01 ACRES IN THE SINGLE FAMILY RESIDENTIAL (RS-6) DISTRICT.**

Case No. SUP 09-207

Applicant: David Grayson Ministries, Inc.
Allen & Hoshall, Inc. (Jay Caughman) – Representative

Request: Group Home for women (maximum number 11)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Hedgepeth

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Ware and Chairman Lowery
Brown and Strickland did not cast a vote

APPROVED

8. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE CORNER OF SOUTH THIRD STREET AND CLINTON ROAD, ON THE NORTHWEST SIDE OF THIRD AND THE NORTH EAST SIDE OF THE INTERSECTION OF CLINTON, CONTAINING 1.123 ACRES IN THE HIGHWAY COMMERCIAL (C-H) AND SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICTS.**

Case No. UV 08-13

Applicant: Travis Wilmath

Request: Motor Vehicle Service use on entire property

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Boyd

AYES: Boyd, Collins, Conrad, Ford, Fullilove, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery
Brown, Flinn and Halbert did not cast a vote

APPROVED, as amended

9. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE WEST SIDE OF NORTH SECOND STREET AT PLUM AND PEAR AVENUES, CONTAINING 8.40 ACRES IN THE MIXED USE (MU) DISTRICT.**

Case No. UV 09-02

Applicant: Harbor View Properties, Inc.
SR Consulting, LLC – Representative

Request: Use variance to allow an eighteen (18) bed hospital

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Strickland

AYES: Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery
Boyd, Brown and Halbert did not cast a vote

APPROVED

10. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE WEST SIDE OF SOUTH BELLEVUE, SOUTH OF LINDEN AVENUE, CONTAINING 7,144 SQUARE FEET IN THE HOSPITAL (H) DISTRICT (MEDICAL CENTER OVERLAY).**

Case No. UV 09-03

Applicant: Nyanday Oti
Ryan Edwards – Representative

Request: Pharmacy in an existing building

LUCB and OPD recommendation: APPROVAL

MOTION: Morrison

SECOND: Collins

AYES: Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland, Ware
and Chairman Lowery
Boyd, Brown and Halbert did not cast a vote

APPROVED

11. **RESOLUTION APPROVING A STREET NAME CHANGE OF A PUBLIC ALLEY
PARALLEL TO AND SOUTH OF UNION AVENUE BETWEEN FRONT STREET AND
AGNER PLACE.**

Case No. SNC 09-802

Chairman Lowery recognized the following people who spoke from the audience:

Jimmy Ogle, 4349 Sequoia Road, Memphis, TN. 38117

David Schuermann, 88 Union, Memphis, TN. 38103

Jodie Vance, 417 S. Main St. #202, Memphis, TN. 38103

Request: Name a currently unnamed alley to Jack Tucker Alley

LUCB and OPD recommendation: APPROVAL

MOTION: Morrison

SECOND: Strickland

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison,
Strickland, Ware and Chairman Lowery
Halbert did not cast a vote

APPROVED

12. **ORDINANCE REZONING THE SOUTHWEST CORNER OF RAINES ROAD AND
GRACELAND STREET, CONTAINING 0.112 ACRE IN THE SINGLE FAMILY
RESIDENTIAL (R-S10) DISTRICT, UP FOR T H I R D AND F I N A L READING.
(HELD FROM 6/2; 7/7)**

Ordinance No. 5315

Case No. Z 09-101

Applicant: Shelby County Government
Tom Moss, Shelby County Real Estate Office – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

MOTION: Morrison

SECOND: Strickland

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison,
Strickland, Ware and Chairman Lowery
Halbert did not cast a vote

APPROVED, as amended

CONSENT AGENDA – Items 13 – 25 & #43 may be acted upon by one motion: SEE PAGE 2971 FOR ROLL CALL

13. **ORDINANCE TO AMEND CHAPTER 21, ARTICLE III, OF THE CODE OF ORDINANCES, SO AS TO PROHIBIT USING TEXT MESSAGING SERVICES WHILE OPERATING A MOTOR VEHICLE, UP FOR F I R S T READING.**

Ordinance No. 5324

APPROVED, on First reading

14. **ORDINANCE TO AMEND CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO MODIFY SECTION 21-80 (B) OF THE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM REQUIREMENTS, UP FOR F I R S T READING.**

Ordinance No. 5325

APPROVED, on First reading

15. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR S E C O N D READING.**

Ordinance No. 5321

APPROVED, on Second reading

16. **ORDINANCE TO AMEND CHAPTER 7, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO DECREASE THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE CENTER CITY COMMISSION, UP FOR S E C O N D READING.**

Ordinance No. 5322

APPROVED, on Second reading

17. **ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, OF THE CODE OF ORDINANCES, TO ESTABLISH A CITY OF MEMPHIS FLEET AND EMPLOYEE TAKE HOME VEHICLE POLICY, UP FOR S E C O N D READING.**

Ordinance No. 5323

APPROVED, on Second reading

18. **ORDINANCE AMENDING ORDINANCE NO. 4647, BY CORRECTING AN ADMINISTRATIVE ERROR IN THE LEGAL DESCRIPTION OF THE PROPERTY REZONED FROM (AG) TO (I-L) WHICH WAS APPROVED BY MEMPHIS CITY COUNCIL ON MARCH 2, 1999. THIS PROPERTY IS LOCATED ON THE NORTH SIDE OF HOLMES ROAD, +/-1,640 FEET EAST OF LAMAR AVENUE, UP FOR F I R S T READING.**

Ordinance No. 5326

Case No. Z 98-157cc

APPROVED, on First reading

19. **RESOLUTION APPROVING FINAL PLAT OF TRINITY PARK P.D., PHASE 1.**

Case No. PD 07-311

Contract No. CR-5141

Resolution approves the final plat located on the east side of East Oaks Drive. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

20. **RESOLUTION APPROVING FINAL PLAT OF TRINITY PARK P.D., PHASE 2.**

Case No. PD 07-311

Contract No. CR-5142

Resolution approves the final plat located on the east side of East Oaks Drive, south of Winchester Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

21. RESOLUTION APPROVING FINAL PLAT OF TRINITY PARK P.D., PHASE 3.

Case No. PD 07-311

Contract No. CR-5143

Resolution approves the final plat located on the east side of East Oaks Drive, south of Winchester Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED**22. RESOLUTION ACCEPTING BUMPUS MCS MANASSAS SUBDIVISION AND AUTHORIZING RELEASE OF BOND.**

Case No. S 04-040

Contract No. (CR-5026)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the Terminus of Marble and Manassas. The standard improvement contract was approved on August 1, 2006. Resolution also authorizes the release of the performance bond in the amount of \$162,000.00.

City Engineer recommends approval

APPROVED**23. RESOLUTION ACCEPTING RIVERDALE/RAINES C-P, PHASE 3 AND AUTHORIZING RELEASE OF BOND.**

Case No. Z 02-360

Contract No. (CR-5135)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the northwest corner of Riverdale and Raines. The standard improvement contract was approved on February 17, 2009. Resolution also authorizes the release of the performance bond in the amount of \$213,400.00.

City Engineer recommends approval

APPROVED**24. RESOLUTION ACCEPTING WINCHESTER/HACKS CROSS ROAD PD – SIGNAL AT WINCHESTER ROAD AND CENTENNIAL DRIVE AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-304cc
(Contract No. CR-4953)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the intersection of Winchester Road and Centennial Drive. The standard improvement contract was approved on June 21, 2005. Resolution also authorizes the release of the certificate of deposit in the amount of \$37,500.00.

City Engineer recommends approval

APPROVED

25. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 09-309cc – Stansell Crossing P.D., Parcel 9
- B. Case No. PD 09-312 – I-40/Germantown Parkway P.D., 3rd Amendment
- C. Case No. SAC 09-602 – Poplar Avenue Alley

Public Hearing Set for August 4, 2009

43. **RESOLUTION APPROVING FINAL PLAT OF FULMER/GUENTHER SUBDIVISION.**
Case No. S 09-006

Resolution approves the final plat located on the south side of Walnut Grove Road, 252.55 feet east of East Cherry Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Ware
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Ware
Brown, Halbert and Chairman Lowery did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 26 – 32 & #34 may be acted upon by one motion:

26. **RESOLUTION AWARDING CONTRACT NO. 11318, MCCORD PUMPING STATION BOILER REPLACEMENT, TO QUALITY MECHANICAL CONTRACTOR, INC. IN THE FUNDED AMOUNT OF \$105,886.00.**

APPROVED

27. **RESOLUTION AWARDING CONTRACT NO. 11346, ESO/UPS BATTERY REPLACEMENT, TO ELECTRONIC POWER SYSTEMS, INC. IN THE FUNDED AMOUNT OF \$27,410.00.**

APPROVED

28. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11178, INTERNET SERVICES, WITH PAETEC BUSINESS SERVICES IN THE FUNDED AMOUNT OF \$22,330.00, FOR A NEW CONTRACT VALUE OF \$91,930.00. (THIS CHANGE IS TO UPGRADE THE EXISTING SYSTEM'S BANDWIDTH FROM 10MB/S TO 20MB/S METRO ETHERNET).**

APPROVED

29. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11281, MAINTAINING MLGW ARCHIVAL DOCUMENTS, WITH VITAL RECORDS CONTROL, INC. IN THE FUNDED AMOUNT OF \$28,269.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, JULY 14, 2009 THROUGH JULY 13, 2010, WITH NO INCREASE IN COST).**

APPROVED

30. **RESOLUTION RENEWING CONTRACT, PURCHASE ORDER NO. 135584, WITH MERCURY INSTRUMENTS, INC., FOR THE PERIOD DECEMBER 17, 2009 TO DECEMBER 18, 2010, FOR ELECTRONIC VOLUME CORRECTING DEVICES IN THE AMOUNT OF \$224,900.00.**

APPROVED

31. **RESOLUTION AWARDING CONTRACT FOR MOLECULAR SIEVE MATERIAL TO HENGYE USA IN THE AMOUNT OF \$45,850.00.**

APPROVED

32. **RESOLUTION APPROVING THE EMPLOYMENT OF STINSON, MORRISON, HECKER LLP FOR LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED-UPON HOURLY RATES.**

APPROVED

33. **RESOLUTION APPROVING FULL AND FINAL SETTLEMENT OF ALL CLAIMS BY THE CITY OF MEMPHIS AND JOSEPH LEE, III IN AN AMOUNT UP TO \$426,422.33.**

(Councilman Hedgepeth made a motion to hold Item #33 until August 18, 2009 – Special Item #3)

MOTION: Hedgepeth
 SECOND: Strickland
 AYES: Boyd, Conrad, Flinn, Hedgepeth, Morrison, Strickland and Chairman Lowery
 NAYS: Brown, Collins, Ford, Fullilove and Ware
 Halbert did not cast a vote

(Special Item #3 – Approved)

Held until August 18, 2009

34. **RESOLUTION APPROVING A CONTRACT BETWEEN MEMPHIS LIGHT, GAS AND WATER, NASHVILLE ELECTRIC SERVICE AND GDS ASSOCIATES, INC. FOR PROFESSIONAL CONSULTING SERVICES FOR NERC REGISTRATION REQUIREMENTS, \$44,100.00 AS A COST TO MLGW, FOR A TOTAL AMOUNT NOT TO EXCEED \$88,200.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Ware
 SECOND: Morrison
 AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery
 Brown did not cast a vote

APPROVED

36. **APPOINTMENTS**

MEMPHIS CITY BEAUTIFUL COMMISSION

REAPPOINTMENTS

LEANDRE M. GIBSON
 JENNIFER LITTLEJOHN
 CAROL ANN MALLORY
 SANDRA UPCHURCH

APPOINTMENTS

JONAS GLYNN BARI
SUZANNE HENLEY
PEGGY OWEN
JAMES NICHOLAS ROBBINS
MARTINA STANLEY
ANNE C. WARING

MEMPHIS & SHELBY COUNTY SPORTS AUTHORITY

REAPPOINTMENT

D. W. (BILL) MCGAUGHEY

MOTION: Flinn
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Morrison, Strickland, Ware and Chairman Lowery

APPROVED

37. **ORDINANCE TO AMEND CHAPTER 21, ARTICLE IX, CODE OF ORDINANCES, CITY OF MEMPHIS, AS TO UPDATE REGULATIONS FOR THE INSPECTION OF MOTOR VEHICLES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/16).**

Ordinance No. 5317

MOTION: Brown
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Morrison, Strickland, Ware and Chairman Lowery

APPROVED, as amended

39. **ORDINANCE AMENDING CHAPTER 20, SECTION 20-21 SO AS TO EXERCISE THE CITY OF MEMPHIS GOVERNMENT'S STATUTORY OPTION TO OPT OUT OF ANY STATE LAW THAT WOULD AUTHORIZE THE CARRYING OF FIREARMS ON PUBLIC PARKS, PLAYGROUNDS, CIVIC CENTERS, AND OTHER PUBLIC RECREATIONAL BUILDINGS AND GROUNDS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5320

Chairman Lowery recognized the following person from the audience:
Ronald Daniels, 2351 Forrest Avenue, Memphis, TN. 38112

MOTION: Collins
SECOND: Boyd
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland,
Ware and Chairman Lowery
NAYS: Conrad and Hedgepeth

APPROVED

40. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF THREE MILLION TWO HUNDRED FIFTY NINE THOUSAND FIVE HUNDRED NINETEEN DOLLARS (\$3,259,519.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE YOUTH FUNDS. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland,
Ware and Chairman Lowery
Collins and Halbert did not cast a vote

APPROVED

41. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWENTY SIX THOUSAND TWO HUNDRED FIFTY DOLLARS (\$26,250.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE STATEWIDE ACTIVITIES FUND. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins
SECOND: Ware
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison,
Ware and Chairman Lowery
Halbert and Strickland did not cast a vote

APPROVED

42. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE DOJ/OFFICE ON VIOLENCE AGAINST WOMEN (OVW)/COMPASS COORDINATION, INC., IN THE AMOUNT OF \$13,750.00. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Hedgepeth
SECOND: Ware
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Ware and

Chairman Lowery
Halbert, Morrison and Strickland did not cast a vote

APPROVED

44. **RESOLUTION AMENDING THE FY10 SPECIAL REVENUE FUND BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$50,000.00 IN FEDERAL FUNDS FOR TRANSPORTATION PLANNING ACTIVITIES.**

City Engineer recommends approval

MOTION: Boyd
SECOND: Collins
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and
Chairman Lowery
Hedgepeth, Morrison and Strickland did not cast a vote

APPROVED

45. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$6,103,585.00 FUNDED WITH 100% FEDERAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS PASSED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE SIGNAL COORDINATION PROJECT.**

MOTION: Boyd
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and
Chairman Lowery
Hedgepeth, Morrison and Strickland did not cast a vote

APPROVED

46. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$5,494,500.00 FUNDED WITH 100% FEDERAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS PASSED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE NW SIGNAL COORDINATION PROJECT.**

MOTION: Boyd
SECOND: Ford
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and Chairman
Lowery
Brown, Hedgepeth, Morrison and Strickland did not cast a vote

APPROVED

47. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$2,500,000.00 FUNDED WITH 100% FEDERAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS PASSED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE SHELBY DRIVE SIGNAL COORDINATION PROJECT.**

MOTION: Boyd

SECOND: Ford

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Brown, Hedgepeth, Morrison and Strickland did not cast a vote

APPROVED

48. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$1,050,000.00 FUNDED WITH 100% FEDERAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS PASSED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE EAST CEI SIGNAL COORDINATION PROJECT.**

MOTION: Boyd

SECOND: Flinn

AYES: Boyd, Collins, Conrad, Flinn, Ford, Halbert, Morrison, Strickland, Ware and Chairman Lowery
Brown, Fullilove and Hedgepeth did not cast a vote

APPROVED

49. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$848,715.00 FUNDED WITH 100% FEDERAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS PASSED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE POPLAR/GERMANTOWN SIGNAL COORDINATION PROJECT.**

MOTION: Boyd

SECOND: Ford

AYES: Boyd, Collins, Conrad, Flinn, Ford, Halbert, Morrison, Strickland, Ware and Chairman Lowery
Brown, Fullilove and Hedgepeth did not cast a vote

APPROVED

50. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY APPROPRIATING \$740,000.00 IN G.O. BONDS GENERAL TO TRAFFIC SIGNALS (EN01004) IN**

**FURNITURE, FIXTURES AND EQUIPMENT FOR THE PURCHASE OF EQUIPMENT
USED IN THE INSTALLATION OF TRAFFIC SIGNALS BY CITY FORCES.**

City Engineer recommends approval

MOTION: Boyd
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and
Chairman Lowery
Hedgepeth, Morrison and Strickland did not cast a vote

APPROVED

51. **RESOLUTION AMENDING THE FY10 CIP BUDGET AND APPROPRIATING FUNDS
BY TRANSFERRING AN ALLOCATION OF \$2,830,300.00 FUNDED BY SEWER
FUNDS FROM REHAB EXISTING SEWERS (SW02001) TO MAXSON RAW SEWAGE
HEADER PROJECT (SW02080) FOR A CONSTRUCTION CONTRACT WITH W. L.
HAILEY AND COMPANY, INC.**

MOTION: Boyd
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Morrison, Strickland, Ware
and Chairman Lowery
Halbert and Hedgepeth did not cast a vote

APPROVED

52. **RESOLUTION AMENDING THE FY10 CIP BUDGET BY ACCEPTING AND
APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$402,500.00 FUNDED WITH
100% FEDERAL SURFACE TRANSPORTATION PROGRAM GRANT FUNDS
PASSED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR
THE RAILROAD SIGNS AND MARKINGS PROJECT.**

MOTION: Boyd
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison,
Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED

54. **RESOLUTION ENCOURAGING THE SHELBY COUNTY BOARD OF
EQUALIZATION TO CONSIDER THE EFFECT OF FORECLOSURES, BANK REO
SALES AND/OR DEEDS-IN-LIEU-OF-FORECLOSURE ON HOME VALUES.**

MOTION: Halbert
SECOND: Strickland

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison,
Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED

(Special Item #4 -Councilman Ford made a motion to suspend the rules and add a resolution from Executive Committee, without objection)

55. RESOLUTION RESTORING \$503,480.00 INTO COMMUNITY ENHANCEMENT BUDGET, FOR FY 2009 -2010 BUDGET.

MOTION: Ford
SECOND: Fullilove
AYES: Brown, Collins, Ford, Fullilove, Halbert, Morrison, Ware and Chairman Lowery
NAYS: Boyd, Flinn and Strickland
Conrad and Hedgepeth did not cast a vote

APPROVED, as amended

(Special Item #5- Councilman Boyd made a motion to approved Same Night Minutes on Items #34, #44, #45, #46, #47, #48, #49, #50, #51, #52 & #55, from tonight's meeting).

MOTION: Boyd
SECOND: Collins
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Strickland, Ware and
Chairman Lowery
Brown, Hedgepeth and Morrison did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following person who spoke from the audience:

Walter Broady, 4256 Ledbetter, Mphs, TN 38109
Johnnie G. Green, 5959 Benjestown, Memphis, TN. 38127
Keith Johnson, 10549 S. Ash Glen Circle, Memphis, TN. 38017
Calvin Porter, 482 Parkdale Drive, Memphis TN. 38109
Sophia Reed, 549 Wells, #18, Memphis, TN. 38107

ADJOURNED MEETING AT 7:05 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records